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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/006,046	12/05/2001	Michael E. Lewis	72255/02776	1708		
23380 7	590 05/09/2006		EXAM	EXAMINER		
TUCKER, ELLIS & WEST LLP			LIOU, JONATHAN			
1150 HUNTIN 925 EUCLID A	GTON BUILDING AVENUE	ART UNIT	PAPER NUMBER			
CLEVELAND, OH 44115-1414			2616			
			DATE MAILED: 05/09/200	DATE MAILED: 05/09/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Application No.		Applicant(s)				
		10/006,046		LEWIS, MICHAEL E.				
		Examiner		Art Unit				
	<u>.</u>	Jonathan Liou		2663				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DAY IN THE MAILING DAY IN THE MAILING DAY IN THE MONTHS from the mailing date of this communication. In the period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS CO 36(a). In no event, how vill apply and will expire , cause the application	OMMUNICATION ever, may a reply be time SIX (6) MONTHS from the obscome ABANDONED	Ply filed the mailing date of this co (35 U.S.C. § 133).				
Status	•							
1)⊠	Responsive to communication(s) filed on <u>27 February 2006</u> .							
2a)⊠	This action is FINAL. 2b) ☐ This action is non-final.							
3)								
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims								
4)⊠	4) Claim(s) <u>1,2,7-10,17,19-27,32-37,42-45,50-55,60 and 61</u> is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.							
,	Claim(s) is/are allowed.							
· ·	Claim(s) <u>1,2,7-10,17,19-27,32-37,42-45,50-55,60 and 61</u> is/are rejected.							
	Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or election requirement.								
Applicati	ion Papers			·				
9) The specification is objected to by the Examiner.								
10)⊠ The drawing(s) filed on <u>12/05/2001</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.								
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
יייי		tanimer. Note the	e attached Office i	- Culon of Torni F	10-132.			
Priority (	under 35 U.S.C. § 119		•					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a) ☐ All b) ☐ Some * c) ☐ None of:								
`	1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified copies of the priority documents have been received in this National Stage								
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.								
	see the attached detailed Office action for a list	or the certified c	opies not received	1.				
Attachmen								
	ce of References Cited (PTO-892)	4) [	Interview Summary (	(PTO-413)				
2) Notice	ce of Draftsperson's Patent Drawing Review (PTO-948)	£\	Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)					
	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date	6)	Other:	жент Аррисанон (РТС	G-132)			

U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05)

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## **DETAILED ACTION**

#### Response to Amendment

This office action is in response to applicant's paper filed 02/27/2006. Claims 1-2, 7-10, 17, 19-27, 32-37, 42-45, 50-55, 60-61 as amended are currently pending in the application. Applicant has amended claims 1-2, 7-10, 17, 19-20, 22, 24-27, 32-37, 44-45, 50-55, 61, and cancelled claims 3-6, 11-16, 18, 28-31, 38-41, 46-49, and 56-59. Claims 1-2, 7-10, 17, 19-27, 32-37, 42-45, 50-55, 60-61 are rejected.

## Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the first paragraph of 35 U.S.C. 112:
  - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 2. Claims 1-2, 7-10, 17, 19-27, 32-37, 42-45, 50-55, 60-61 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 19, 26, 44, the specification, drawing and claims filed on 12/05/2001 do not teach or show the features that the first client and second client can use a channel concurrently. In addition, the feature "the first client and second client use the same time slot and same channel concurrently" recited in the claims 1, 19, 26, 44 has not been taught or shown in the originally filed application. Thus, examiner

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believes claims 1, 19, 26, 44 consists of new matter on determining a first client and second client use a channel concurrently, and wherein the first client and second client use the same time slot and same channel concurrently.

Regarding claims 2, 7-10, 17, 20-25, 27, 32-37, 42-43, 45, 50-55, 60-61, these claims are dependent of claims 1, 19, 26, 44; thus, the same rejection is applied to these claims.

## Response to Arguments

The argument and amendment filed on 02/27/2006 has been fully considered; however, independent claims 1, 19, 26, 44 consist of the new matter. Thus, new ground of rejection are applied because it is necessitated by amendment, and 102 and 103 rejections in the previous office action are still applied to current pending claims.

#### Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Liou whose telephone number is 571-272-8136. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Liou 4/25/2006

RICKY Q. NGO SUPERVISORY PATENT EXAMINER